IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 8822 of 2007(A)

PETITIONER:
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1. N.JALEEL, U.D.CLERK,
TALUK INDUSTRIES OFFICE,
MAVELIKKARA.

2. THOMAS CYRUS, U.D.CLERK,
DISTRICT INDUSTRIES CENTRE,
ALAPPUZHA.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:
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1. THE SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF INDUSTRIES AND COMMERCE,
VIKAS BHAVAN, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 8822/2007 A

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE B.COM DEGREE CERTIFICATE OF THE P1.

EXT.P1A. COPY OF THE B.COM DEGREE CERTIFICATE OF THE P2.

EXT.P2. COPY OF THE SPECIAL RULES FOR THE KERALA INDUSTRIES SUBORDINATE SERVICE 2001.

EXT.P3. COPY OF THE ORDER DT. 29/09/04 ALONG WITH THE FINAL SENIORITY LIST OF UD CLERKS (RELEVANT EXTRACT) ISSUED BY THE R2.

EXT.P4. COPY OF THE JUDGMENT DT. 20/09/2006 IN WPC NO. 22027/2006 OF THIS COURT.

EXT.P5. COPY OF THE JUDGMENT DT. 29/11/2006 IN WPC NO. 29728/2006 OF THIS COURT.

EXT.P6. COPY OF THE REPRESENTATION BY THE P1 TO THE R1.

EXT.P7. COPY OF THE ORDER DT. 4/12/2006 ISSUED BY THE R2.

EXT.P8. COPY OF THE REPRESENTATION DT. 4/1/2007 BY THE P1 TO THE R2.

EXT.P9. COPY OF THE COMMUNICATION DT. 12/1/2007 BY R2.

EXT.P10. COPY OF THE ORDER DT. 5/3/2007 ISSUED BY THE R2.

EXT.P11. COPY OF THE JUDGMENT DT. 3/3/2005 IN OP NO. 1860/95 OF THIS COURT.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C) No.8822 of 2007-A

Dated this the 28th day of May, 2007

J U D G M E N T

The petitioners are Upper Division Clerks claiming promotion to the post of Junior Co-operative Inspectors. They have passed B. Com Degree with Co-operation as special subject. According to them, they are fully qualified for promotion to the post of Junior Co-operative Inspector. They rely on Exts. P4, P5 and P11 judgments, in support of their contentions. But, the representation claiming promotion was rejected on the ground that the petitioners are not parties to those writ petitions. Hence, this writ petition, seeking appropriate reliefs.

2. Heard the learned Government Pleader for the respondents also.

3. The point raised by the petitioners is squarely covered in their favour by Exts.P4, P5 and P11 judgments. Accordingly, the Writ Petition is allowed. Exts.P7 and P9 are quashed. It is declared that the petitioners are qualified to be promoted as Junior Co-operative Inspectors. The second respondent will pass consequential orders promoting them, in accordance with law, within two months from the

date of production of a copy of this judgment.

K.BALAKRISHNAN NAIR, JUDGE.

MS